



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/10/2022

PRESENT

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The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.15543 of 2022

Alexsander

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Crime No. 581/2022.

... Respondent/Complainant

For Petitioner : M/s.Anandan.B,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.581 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 442, 294(b), 323, 324, 427 and 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr.No.581 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to election motive between the parties, the petitioner and other accused abused the de-facto complainant and her family members in filthy language, attacked the de-facto complainant and her father with stone and wooden log and pulled the de-facto complainant's saree and fell down her and also damaged her household articles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there was a wordy quarrel between the parties regarding the local



body election, he has been falsely implicated in this case. I'd further submit that the counter case in Crime No.582 of 2022 is pending against the de-facto complainant and the co-accused were already arrested and released on bail. Hence, he prays for anticipatory bail.

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4.The learned Government Advocate (Crl.Side) would submit that due to local body election motive between the parties, all the accused came to the de-facto complainant's house and attacked the de-facto complainant and her family members with stone and wooden log. The petitioner is a history sheeted rowdy element and he is having 22 previous cases, out of which, 15 cases were already disposed of. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/10/2022

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/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.B.ANANDAN, Advocate (SR-11132[I] dated 10/10/2022)

ORDER
IN
CRL OP(MD) No.15543 of 2022
Date :10/10/2022

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